



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

6-5-21
GERALD C. MANN
ATTORNEY GENERAL

Honorable Homer Garrison, Jr., Director
Texas Department of Public Safety
Austin, Texas

Dear Sir:

Opinion No. 0-5205

Re: Placing tattoo marks on
different parts of animal's
body constitute separate
brands requiring separate
filing fees.

You inquire in your letter of April 9, 1943,
with reference to Senate Bill 62, passed by the 48th
Legislature:

" Should an owner register a tattoo mark-
we will use as an example figures '0931' to be
tattooed in the left ear of his sheep, the
same figures to be tattooed in the right ear of
his goats, and the same figures to be tattooed
on the left flank of his hogs --would he have to
pay three separate registration fees? The point
that we are attempting to clear up is, does the
location of the tattoo on the animal's body con-
stitute a separate tattoo brand, even though the
design of the tattoo is identical?

" If two owners should register the same tattoo
mark but on different locations on the animal's body
would this constitute two separate tattoos? As an
example: If owner A used the initials 'JS' to tattoo
his sheep in the left ear, and owner B. used the initials
'JS' to tattoo his sheep in the right ear, would this
be construed as two different and distinct tattoo brands?"

Senate Bill 62 provides that the owner of any livestock
in this State may make application to the Department of
Public Safety for the registration of tattoo marks to be
used upon such stock, and specifically provides that they

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"shall name the place or part of the animal upon which the tattoo mark is to be placed."

Section 6 of the Act provides for the payment of a fee of five dollars for each application filed.

We held in Opinion O-1114, construing article 6899d V. A. C. S. that two persons could have the same brand by placing such brand at different parts of the animal's body. Such opinion answers your second question and we enclose a copy thereof for your guidance.

It is our opinion that a person may register brands of the same design for use on two or more animals, such brands being applied to a different part of the animal's body, but that each will constitute a separate brand requiring separate applications and a filing fee of five dollars for each application.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

APPROVED APR 22, 1941

Homer Garrison Jr.

FIRST ASSISTANT
ATTORNEY GENERAL

Lloyd Armstrong
By Lloyd Armstrong
Assistant

LA:ned

